

SETH GINSBERG  
ATTORNEY AT LAW

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April 4, 2020

**Via Email: DAN/ExecAssistant@bop.gov**

**Via Fax: 203-312-5110**

Warden  
FCI Danbury  
Route 37  
Danbury, CT 06811

**Re: Immediate Release to Home Confinement of John Matera #00803-748**

Dear Warden:

Emergency circumstances require that the Bureau of Prisons (“BOP”) place John Matera on home confinement immediately, pursuant to the authority granted in the Memorandum from the Attorney General to the Director of the Bureau of Prisons, regarding “Prioritization of Home Confinement As Appropriate in Response to COVID-19 Pandemic,” dated March 26, 2020 (the 3/26/20 Barr Memo”) and the Memorandum from the Attorney General to the Director of the Bureau of Prisons, regarding “Increasing Use of Home Confinement at Institutions Most Affected by COVID-19,” dated April 3, 2020 (the 4/3/20 Barr Memo”) (collectively the “Barr Memos”).

FCI Danbury is one of the institutions specifically referenced in the 4/3/20 Barr Memo as experiencing significant levels of infection and, therefore, an institution that has been directed to employ aggressively its authority to release eligible inmates. Further, the 4/3/20 Barr Memo specifically extends the BOP’s authority to release inmates, such as Matera, who would not have been eligible for release under the pre-CARES Act standards.

Pursuant to the criteria in the Barr Memos, Matera should be released immediately to home confinement:

1. Matera has reported that he tested positive for Covid-19.
2. Matera has also reported that he is presently being isolated in the Special Housing Unit (the “SHU”), where he receives little medical attention or supportive care.
3. Matera reports the following symptoms:
  - a. High Fever

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- b. Difficulty Breathing
  - c. Chest Pain
  - d. Severe Cough
  - e. Difficulty Sleeping
  - f. Loss of Appetite
4. In addition to the above, Matera has an increased risk of complications from Covid-19 based on the following:
- a. History of Hypertension
  - b. Recent Kidney Infection: Matera has recently undergone multiple courses of antibiotic treatment for a kidney infection that appears not to have fully resolved, as Matera reports continued discomfort
  - c. Age and Sex: As a 49-year-old male, the risks are greater for Matera, given that males suffer greater levels of infection and greater incidence of complications than females, and age is an aggravating factor
5. Matera is confined in a low security institution, which weighs in favor of release to home confinement.
6. Matera does not have a history of violence or gang-related activity while incarcerated and has no recent disciplinary violations.
7. Matera has a verifiable re-entry plan, as he is able to move to the home of his fiancée, Jennifer Revere, 6 Linwood Avenue, Staten Island, New York 10305, where he can be appropriately isolated during his period of infection, while continuing to receive appropriate medical attention and be transferred to hospital care if necessary.
8. Matera's crime of conviction, though serious, does not present any risk of danger to the community upon his release to home confinement. Though Matera received a substantial sentence of 337 months for convictions in two cases, he has served nearly 90% of his time and is due to be released June 8, 2023.

In addition to the grounds discussed above, this letter should also be deemed an application for Compassionate Release, pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), given that "extraordinary and compelling reasons warrant" a reduction of Matera's sentence. Under present

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circumstances, Matera is unable to file an application for Compassionate Release through normal channels and the normal process to adjudicate such an application is not sufficiently expeditious, given the urgency of the present matter. It is, therefore, respectfully submitted that the instant application is sufficient to be deemed to exhaust the administrative remedies available to Matera.

The circumstances are grave, and the risk of a catastrophic outcome is substantial. Regardless of the efforts that BOP will make to care for Matera, under present circumstances, given the high rate of infection in FCI Danbury, the impact on the staff, and the corresponding strain on limited resources, Matera will receive substantially better care and his risk of serious complications will be reduced if he is released to home confinement.

Accordingly, on behalf of Matera and his supportive and loving family, who stand ready to care for him, I implore the BOP to release Matera immediately to home confinement.

Please contact me via email at [srginsberg@mac.com](mailto:srginsberg@mac.com) or telephone at 917-885-3375.

Sincerely,

*Seth Ginsberg*  
Seth Ginsberg